

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL F. KENNEDY,

Petitioner,

v.

MAGGIE MILLER-STOUT,

Respondent.

Case No. C05-5122 RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Petitioner's Notice of Appeal [Dkt. #27].

Having considered the entirety of the records and file herein, and having considered the Notice of Appeal to include a Request for a Certificate of Appealability, the Court rules as follows:

For the reasons stated in the Report and Recommendation [Dkt. #21] this Court declines to issue a Certificate of Appealability because the petitioner has not made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing pro se.

Dated this 26th day of October, 2005.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE